

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON MARCH 12, 2008
IN THE MULTI ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG,
VIRGINIA:

CALL TO ORDER:

Mr. Miller, Chair called the meeting to order and Mr. Seitz, Secretary, established the presence of a quorum.

Present: Robert Miller, Chair
Walt Haynes, Vice Chair
William Seitz, Secretary
Frank Lau, Member
Steve Howard, Member
David Moore, Member
Bryan Rice, Member
Malvin Wells, Member
John Muffo, Board of Supervisors Liaison
Steven Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Amy Doss, Development Planner
Meghan Dorsett, Comprehensive Planner
Brea Hopkins, Zoning Technician

Absent: Steve Cochran, Member

PUBLIC ADDRESS:

None

APPROVAL OF AGENDA:

On a motion by Mr. Howard, seconded by Mr. Moore and unanimously carried the agenda was approved as presented.

PUBLIC HEARING:

An Ordinance requested by Rhondy L. Martin and Margene Ward Martin 1997 Trust (Agent: Mathews & Henegar, Inc.) rezoning approximately 18.1325 acres from Agriculture (A-1) to Rural Residential (RR), with possible proffered conditions, to allow maximum density of 12 single family detached lots. The property is located at 1806 Keisters Branch Rd (Rt.718), identified as Tax Parcel No(s). 51-A-51, (Acct. # 018027), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.

Mr. Miller introduced the request.

Ms. Jenkins stated the request was to rezone property from Agriculture to Rural Residential to allow a 6 lot subdivision. Under by-right Agriculture zoning the owner would be allowed 4 lots, so there are only 2 additional lots being requested. She reviewed the maps, pictures, and proposed development plan of the property. No additional roads are requested. VDOT has identified one lot entrance to be dangerous and have suggested combining entrances to create fewer driveways serving the lots. There is an existing house on lot 5 which is currently undergoing alterations. The lots will be served by private wells and septic systems. The development should blend with the adjacent "Millstone Ridge Subdivision". No proffers have been received from the owners. Rural Residential zoning limits the minimum lot size to 1.5 acres, so additional lots may be possible according to acreage; however, the topography of the property may reduce the feasibility of additional lots. One letter of opposition has been submitted.

Mr. Seitz asked if the subdivision would be seen by the planning commission again if the property is rezoned.

Ms. Jenkins stated due to the number of lots the subdivision is considered a minor subdivision and would not require Planning Commission approval.

Ms. Lynn Reed, Mathews & Henegar, stated she was representing the Martins who can not be present as they live in California. The requesting is for 6 lots and the owner has indicated he has no desire to have the compact development option or additional lots. All lots will be a minimum of 2.3 acres, with one lot exceeding 5 acres which will be retained by the owner. A five (5) foot street dedication will be conveyed to VDOT. All lots have drain fields with the exception of lot 4 which has an easement to the septic drain field on lot 5. If the request is approved a separate drain field would be located. The proposed construction of the existing house and future houses are in keeping with the area. By right the owner could have a total of 7 dwellings which would equal the number of homes in Rural Residential thereby generating the same amount of traffic. The topography is not conducive to Agriculture uses. Even if the rezoning is not approved a minimum of 4 lots would be developed. She noted that the owner would be willing to submit a proffer limiting the subdivision to 6 lots.

Mr. Rice asked if driveways would be developed for each lot.

Ms. Reed stated that lots 1 & 2 will share a driveway, there is an existing road bed on lot 4 that could be utilized if upgraded, lot 3 would depend on VDOT recommendations, and lots 5 & 6 would share a drive. The desire is to combine the drives as much as possible.

Mr. Miller opened the public hearing.

Mr. Joe Obenshain, Lee Highway, Fincastle; adjoining owner stated that a condition limiting the development to 6 lots would be desired due to the road conditions. The road is very dangerous and there is a lot of traffic because it serves as a connector to Prices Fork. He noted he would like careful consideration to be given to the entrances. The proposed 6 lots are consistent with the surrounding properties.

Ms. Claudia Mullins, 3500 Still Hollow Road, stated this development would affect the community. Even permitting 4 houses would hurt the neighborhood because of the tree removal and lack of resources. It should also be noted there is a sinkhole on the property and a natural spring has already been polluted. The only developable location is the area not covered by the trees. Seven families would be compromised by the dangerous road.

Mr. Kenyon, lot 6 Millstone Ridge, stated his concern was the blind curve and increased traffic. There are many accidents in the winter. If there 12 units are constructed versus the 6 units that is shown on the plan it would be even more dangerous. It is also important to not clear the trees. If they are not removed the development probably will not be visible.

Ms. Jenkins discussed the legal requirements for the advertisement and noted that the applicant had never proposed 12 units.

Mr. John Ogburn, 1732 Keisters Branch Road, stated there had been a boundary line adjustment that was not reflected on the map shown. He noted his concern was the location of the driveways and the dangerous road conditions. He discuss alternate locations for the driveways. The property is not suitable for 12 homes but would be suitable for 6 homes.

There being no further speakers the public hearing was closed.

Mr. Moore would like to see a proffer limiting the subdivision to a specified number of lots or one that states it will be in conformance with the concept plan submitted prior to a recommendation.

Mr. Rice agreed that without the proffers there were no guarantees the development would be built as presented. VDOT should address the safety of the driveways.

Mr. Seitz stated he would like to see a limitation on the number of lots and a proposed buffer area to make sure all the trees are not removed.

Mr. Sandy stated if the request is tabled it would be delayed until April. The other options would be to recommend denial and state the reasons, or recommend approval pending submitting proffers.

Mr. Seitz would like to review again next month giving the owner and developer an opportunity to provide proffers.

Mr. Muffo asked if VDOT regulations could control the number of dwelling units.

Mr. Sandy stated if more dwellings were placed on the property the owner(s) would be required to upgrade the driveways and meet street requirements.

On a motion by Mr. Moore, seconded by Mr. Howard, and carried on a 8-0 vote (Cochran absent) the planning commission tabled the rezoning request to allow the applicant time to address the total number of lots developed, and a buffer area limiting the tree removal.

An Ordinance requested by Reese Family Limited Partnership rezoning approximately 227.65 acres from Agriculture (A-1) to Rural Residential (RR), with proffered conditions, to permit a maximum allowed density of 67 single family detached units. The property adjoins The Ridges phases 2-7 and is located on the west side of Bradshaw Rd. (Rt. 629), north of New Ridge Rd (Rt. 1052), identified as Tax Parcel No(s) 45-A-80, 45-3-5A, and 32-A-55 (Acct. #s 025398, 034187, and 001477) in the Mt. Tabor Magisterial District (District C). The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.

Mr. Miller introduced the request.

Mrs. Doss stated the applicant was requesting to rezone approximately 228 acres to allow a single family detached subdivision. The applicant has submitted proffers limiting the subdivision to 67 units. She reviewed the maps, pictures, and proposed development plan. The property is heavily wooded. The current zoning would allow 20 lots by right. Lots will be served by wells and septic systems. The subdivision would be an extension of The Ridges. She reviewed the proffers received from the applicant. Some staff concerns are the 100 ft. AEP Power line easement bisecting several lots and the need to provide more information regarding the trails. Staff has received 2 calls from adjoining owners regarding concerns of wells in the area and traffic.

Mr. Nicki Mills, representing Reese Limited Family Partnership, stated there should be no issues complying with staff recommendations to address the AEP Power Line and the trail concerns. All requests should be consistent with the current proposed plans. The main issue with lots will be the drain fields. The desire is to have some soils work completed prior to revising the lot layout. Due to high costs, the developer is waiting on the rezoning approval before proceeding with soils work.

Mr. Haynes questioned rather the New Ridge Road would be taken in the state system and if the septic systems would be alternative systems.

Mr. Mills stated the road would be taken over by VDOT. VDOT has requested that the developer look into the amount of traffic generated from the additional lots. It is anticipated that alternative septic systems would be required on most lots.

Mr. Rice questioned the ability of Homeowners Association to enforce the tree clearing limitation.

Mr. Mills stated the details of the Homeowners Association's powers and abilities have not worked out at this time.

Mr. Sandy stated that letters of credit were obtained by the county to ensure that the roads were taken into the state system. In regards to staff concerns, the common open space was not designated; the staff does not have a concern with the lots being redesigned after soils work. He noted open space could be designated around the streams for a riparian buffer etc.

There being no speakers the public hearing was closed.

On motion by Mr. Moore, seconded Mr. Seitz and carried by a 8-0 vote (Cochran absent) the planning commission tabled the rezoning request until April to allow additional information to be obtained regarding water availability and resources, open space, trails, and the 100 ft. AEP Power Line easement.

OLD BUSINESS:

Urban Development Areas Outline and Discussion

Ms. Dorsett stated that the Urban Development Areas are the Urban Expansion areas designated in the Comprehensive Plan. Urban development areas were designated in smaller areas and assessed for ability to be developed based on slopes. The developable areas were determined to be slopes of 15% and below. She reviewed

the state code requirements. The current density of 4 units per acre is not being met. Infill and redevelopment should be considered to meet the requirements.

Mr. Miller stated that with this formula, in other areas such as the Elliston Village extreme structures would need to be built to meet the standard.

Mr. Moore noted that this would indicate the need to identify 770+ acres to rezone in order to meet the growth anticipated over the next 20 years.

Ms. Dorsett stated that most areas lending to Urban Expansion also lend to Agriculture use and have little infrastructure. The two areas that are most suited for the development now are Prices Fork and Riner. The success of the UDA will be Blacksburg & Christiansburg agreeing to participate in the UDA program. Christiansburg is probably willing to take the growth; however, will not necessarily agree to participate in the Montgomery County UDA.

Mr. Muffo stated that previous discussions with Blacksburg indicated they would not participate with the County on any type of arrangement unless they were in control. Therefore, it is very important that the discussion be very clear.

Mr. Moore noted before further review, data regarding the town's population projections and designations need to be assessed.

Mr. Sandy stated that the objective was to raise awareness to some possible issues. The County Attorney suggested that this topic be discussed at the training next week.

WORK SESSION:

On a motion by Mr. Wells, seconded by Mr. Howard and unanimously carried the Planning Commission entered into worksession.

Purchase of Development Rights Ordinance/Program

Mr. Sandy stated an announcement from the Governor's office had been distributed regarding the availability of funding for the Purchase of Development Rights. The 2008 funds would not be available to the county if the ordinance is passed but it is important to look ahead to 2009. A speaker from the Dept. of Agriculture is speaking on the 23rd. The meeting on April, 16, 2008 will be cancelled due to the anniversary of the VA Tech Tragedy. The AFD Committee, Town of Christiansburg and the Town of Blacksburg have been invited to attend that presentation.

On a motion by Mr. Wells, seconded by Mr. Howard and unanimously carried the Planning Commission closed the worksession.

Mr. Sandy reminded members of the training event on March 19th at the NRV Competitiveness Center.

There being no further business, the meeting was adjourned.